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FEE WAIVER PENDING

Filed in Forms Paupers (GRC 3.50, et seq.) per order
dated:

Amount recoverable pursuant to GC §68637

FILED administrative fee upon judgment if the
Superior Court of California and creditor (GC §6103.5, 68638)
County of Los Angeles

JUN 06 2016

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

RONALD AUSTIN,

Petitioner and Plaintiff,

vs.

LOS ANGELES POLICE DEPARTMENT; and
DOES 1 through 10, inclusive,

Respondents and Defendants.

Case No.

BS162685

VERIFIED PETITION FOR WRIT OF
MANDATE PURSUANT TO CALIFORNIA
PUBLIC RECORDS ACT AND
COMPLAINT FOR DECLARATORY
RELIEF

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Hrobel

17 1. Petitioner and Plaintiff Ronald Austin, pursuant to Code of Civil Procedure
18 § 1085, Government Code § 6258 (the California Public Records Act ("CPRA")), and Article I
19 Section 3 of the California Constitution alleges, as follows:

I.

PARTIES

22 2. Petitioner and Plaintiff RONALD AUSTIN (hereinafter "AUSTIN") is a resident
23 of the State of California, County of San Bernardino.

24 3. Respondent and Defendant LOS ANGELES POLICE DEPARTMENT
25 (hereinafter "LAPD") is a municipal entity organized under the laws of the State of California.
26 Respondent OCSD is an agency covered under the California Public Records Act. (See Gov.
27 Code, § 6252, subd. (a).)
28

4. Petitioner and Plaintiff is currently unaware of the true names and capacities of those Respondents sued herein as DOES 1 through 10, inclusive. Petitioner and Plaintiff will seek leave of the Court to amend this Complaint to allege said Respondents' and Defendants' true names and capacities as soon as the same have been ascertained. Petitioner and Plaintiff is informed and believes and thereon alleges that DOES 1 through 10, inclusive, are responsible in some manner or form for the acts or omissions complained of herein and/or are otherwise liable for the damages herein alleged.

II.

JURISDICTION AND VENUE

6. Jurisdiction is proper in the Superior Court for the County of Los Angeles pursuant to Government Code Section 6268, California Code of Civil Procedure Section 1085, and Article VI, Section 1, of the Constitution of the State of California.

7. Venue is proper in the County of Los Angeles pursuant to California Code of Civil Procedure Section 393, because the acts and omissions complained of herein occurred in the County of Los Angeles.

III.

FUNDAMENTAL RIGHT OF ACCESS TO INFORMATION

8. The California Public Records Act (the “Act” or “CPRA”) is an indispensable component of California’s commitment to open government. The purpose of the Act is to give the public access to information that enables them to monitor the functioning of their government. The Act’s fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a legal basis not to do so.

9. Perhaps the most fundamental rule in the CPRA is the presumption of public access. Information requestors do not have to prove or even state a “need to know” to justify access. On the contrary, the government agency must justify not providing the information by citing the law, a statute or a case interpreting a statute. “In other words, all public records are subject to disclosure unless the Legislature has expressly provided to the contrary.” (*Williams v. Superior Court* (1993) 5 Cal.4th 337, 346.) “*It’s not our policy*” or “*We never give that out*” is

06:07:20.16

1 not a legally sufficient response to a public records request, nor is anything else short of citing
2 the law that bars or excuses the agency from providing access.

3 10. Government Code § 6254(f) states in pertinent part:

4 Notwithstanding any other provision of this subdivision, state and local law
5 enforcement agencies shall make public the following information, except
6 to the extent that disclosure of a particular item of information would
7 endanger the safety of a person involved in an investigation or would
8 endanger the successful completion of the investigation or a related
9 investigation:

10 (1) The full name and occupation of every individual arrested
11 by the agency, the individual's physical description
12 including date of birth, color of eyes and hair, sex, height
13 and weight, the time and date of arrest, the time and date of
14 booking, the location of the arrest, the factual circumstances
15 surrounding the arrest, the amount of bail set, the time and
16 manner of release or the location where the individual is
17 currently being held, and all charges the individual is being
18 held upon, including any outstanding warrants from other
19 jurisdictions and parole or probation holds.

20 11. The request need not be in writing. Case law holds that the inquiry need not be in
21 writing and may be made orally and by telephone. As observed by the California Court of
22 Appeal, "It is clear from the requirements for writings in the same and other provisions of the
23 Act that when the Legislature intended to require a writing, it did so explicitly. The California
24 Public Records act plainly does not require a written request." (*Los Angeles Times v. Alameda*
25 *Corridor Transportation Authority* (2001) 88 Cal.App.4th 1381, 1392.)

26 12. The request need not identify the requestor. Nothing in the law precludes an
27 anonymous request, and the CPRA requires identification (by a signed affirmation or declaration,
28 respectively) only when the requestor is seeking information about pesticides (Government Code

1 § 6254.2) or seeking the addresses of crime victims (Government Code § 6254, subd. (f), par.
2 (3)). Legally, apart from the two situations noted above, an agency may not insist that the
3 requestor be identified. Respondents and Defendants, and each of them, and their employees
4 have repeatedly stated that it is their department policy to determine who is making a public
5 records request in clear violation of the CPRA.

6 13. The request need not state the requestor's purpose. Demanding to know the
7 purpose of the request or the intended use of the information is, again, not something the agency
8 may do, apart from the pesticide and address provisions noted above. The CPRA states, in
9 Government Code § 6257.5: "This chapter does not allow limitations on access to a public record
10 based upon the purpose for which the record is being requested, if the record is otherwise subject
11 to disclosure." Respondents and Defendants, and each of them, and their employees have
12 repeatedly stated that it is their department policy to determine the purpose of a records request,
13 alluding to vague safety or privacy concerns, which is in clear violation of the CPRA.

14 14. Prompt access is required for clearly public records. Delay is allowed only to
15 resolve good faith doubts as to whether all or part of a record is accessible by the public. In the
16 case of information such as that requested by Petitioner and Plaintiff which is clearly delineated
17 in Gov. Code 6254(f) to be public information "notwithstanding any other provision", there is no
18 need to make any "determination" as to whether or not the public should have access.
19 Respondents and Defendants and especially those employees within their respective records
20 departments who are tasked with providing the public with records, either know or should know,
21 without question, the requested information is a matter of public record. That being the case,
22 access is to be provided "promptly".

23 15. Respondents and Defendants, and each of them, and their employees have
24 repeatedly asserted that arrestees enjoy some sort of unarticulated "privacy rights" under which
25 the requested records are exempt from the CPRA. Arrestees have no such privacy right against
26 disclosure of the specific information requested by Petitioner and Plaintiff. Indeed the records
27 disclosure policy employed by Defendants, and each of them, appears entirely random with some
28 employees steadfastly maintaining they are prohibited from disclosing bits of information freely

1 available on their own websites. Still other employees offer to confirm or deny information
2 regarding an arrest but refuse to provide that same information unless the requestor is able to
3 guess the information.

4 IV.

5 GENERAL ALLEGATIONS

6 16. Petitioner and Plaintiff is informed, and believes, and therefore alleges that LAPD
7 has engaged in a pattern and practice of violating the CPRA, including:

- 8 a. Withholding information public information;
9 b. Failing to make a proper written determinations of the alleged basis for
10 withholding public documents in a response to CPRA requests;
11 c. Failing to respond, and/or untimely responding, to CPRA requests without
12 production of documents, or without sufficient and requisite production of
13 documents;
14 d. Ignoring the CPRA request along with the Petitioner's attempts to follow-up
15 with on the status of the request.

16 17. The LAPD website <http://www.lapdonline.org> states:

17 "In 1968, the California Legislature enacted the California Public
18 Records Act (CPRA) under Government Code (GC) sections 6250-
19 6270. In its findings and declarations, mindful of the right of
20 individuals' privacy, the Legislature declared it was the public's
21 right to access information concerning the people's business."

22 The LAPD website goes on to detail it policies and procedures regarding the CPRA and directs
23 public records requests to the Discovery Section at the following telephone number: "A public
24 records request for information from the Los Angeles Police Department can be started by
25 contacting the Los Angeles Police Department Discovery Section at 213-978-2100."

26 18. On May 16, 2016 at 2:20 p.m. AUSTIN telephoned the LAPD Records, at (213)
27 978-2100. AUSTIN spoke with "Adrianna" (Last Name Unknown) and asked for the location of
28 arrest of Marcos Vargas, giving his age and booking number. Adriana asked where AUSTIN

1 was calling from. AUSTIN stated he was calling from Boron, California. Adrianna replied,
2 "No, I mean what agency?" AUSTIN stated he was a member of the general public, making a
3 request under the CPRA and was not with any agency. Adrianna stated to AUSTIN that any
4 such information was only provided via e-mail and Adrianna then provided an AUSTIN with an
5 e-mail address of discovery@lapd.lacity.org. AUSTIN requested to speak to a supervisor and
6 was told one was not in and would be in the following day. AUSTIN then asked if Adrianna if
7 he did, in fact, direct a written request to the e-mail address provided whether the location of an
8 arrest is something that would be provided by the LAPD. Adrianna then placed AUSTIN on
9 hold for a several minutes, and when she came back off of hold Adrianna informed AUSTIN that
10 a subpoena was necessary for that information. AUSTIN stated to Adrianna that Government
11 Code Section 6254(f) requires the LAPD to provide location of an arrest and case law states that
12 this can be done telephonically and no written communication required. AUSTIN added that it is
13 disappointing that the specific department within the LAPD that is charged with complying with
14 the CPRA is unfamiliar with the law and AUSTIN offered to read the specific section referred to.
15 Adrianna then terminated the conversation.

16 19. On May 16, 2016 at 2:35 p.m. AUSTIN e-mailed the LAPD his CPRA request at
17 discovery@lapd.lacity.org:

18 *The LAPD arrested Marcos Vargas, age 31, on May 6, 2015 in*
19 *Boron California. His booking number at LA County Jail is*
20 *4656533. Please provide me with the location of the arrest.*

21 *Ronald Austin*

22 20. On May 16, 2016 at 2:44 p.m. the LAPD Legal Affairs Division Discovery
23 Section responded:

24 *Your request has been received by the Discovery Section and will*
25 *be assigned to a staff member for a response. If you have any*
26 *questions, please call (213) 978-2100 for assistance.*

27 *Thank you.*

28 *Los Angeles Police Department*

Legal Affairs Division

Discovery Section

21. The following day, on May 17, 2016 at 2:55 p.m. AUSTIN again telephoned the
Discovery Section at at (213) 978-2100 and spoke with "Marriela" (Last Name Unknown).

1 AUSTIN gave Marriela the name, age and booking number of Marcos Vargas and asked her for
2 the location of his arrest. Marriela stated that the request must be in writing and that this
3 information would take three weeks to produce. AUSTIN then for a supervisor, and Marriela
4 stated that the supervisor was Greg Puliamos and that Mr. Puliamos was not in. AUSTIN left a
5 message on Mr. Puliamos voicemail.

6 22. On May 18, 2016 at 8:55 a.m. Greg Puliamos left AUSTIN a message to return
7 his call at (213) 978-2178. AUSTIN returned Mr. Puliamos call later that day at approximately
8 2:50 P.M. AUSTIN gave Mr. Puliamos the name, age and booking number of Marcos Vargas
9 and asked her for the location of his arrest. AUSTIN stated that he had already requested this
10 information via e-mail and Mr. Puliamos stated that AUSTIN must await the e-mail response.

11 23. On May 23, 2016 at 1:55 p.m. AUSTIN again e-mailed the LAPD Legal Affairs
12 Discovery Section at discovery@lapd.lacity.org:

13 *It's been a week. Is someone going to get back to me on this?*

14 *Ronald Austin*

15 24. On May 24, 2016 at 10:51 a.m. AUSTIN received a reply from Debra Green at
16 N1297@lapd.lacity.org:

17 *Mr. Austin,*

18 *I'm working on your request. As soon as I get the information you
19 requested, I will notify you.*

19 *Ms. Debra Green*

20 *213-978-2156*

21 25. As of the filing date of the instant Complaint on June 6, 2016, **21 days** has
22 elapsed from the date that Petitioner's initial written inquiry was received by LAPD and
23 AUSTIN has not received the requested information, which required that LAPD only conduct
24 extremely minimal research in order to provide. On information and belief the location of an
25 arrest by the Los Angeles Police Department is located in computerized records which is, and at
26 all relevant times herein was, **immediately** available to all of the representatives AUSTIN
27 communicated with at LAPD while he was speaking to those representatives. In fact, LAPD
28 generates and sells computerized databases containing the exact information requested by
AUSTIN to outside for-profit information vendors who market the information over the internet.

1 Within just days of Mr. Vargas' arrest, the location of Mr. Vargas' arrest in Boron became
2 available for sale on the following website for five dollars:

3 <https://www.localcrimenews.com/welcome/detail/17893062/marcos-vargas-arrest.html>.

4 26. LAPD's own website recognizes that access to public records be "prompt" and that
5 the 10 day period set forth in the CPRA applies only in those cases where it is not clear that the
6 records requested are public records:

7 *"Prompt access to public records is required by the CPRA (Government*
8 *Code 6253). The 10-day period mentioned in the act is not a legal*
9 *deadline for producing records. The 10-days allows the agency to review*
10 *records, if it is not clear that they are public records. As soon as a*
11 *determination is made, it will be at that time the records shall be*
12 *released."*

13 (http://www.lapdonline.org/i_want_to_know/content_basic_view/36329)

14 Here, the location of an arrest is public information to be promptly provided "notwithstanding
15 any other provision." AUSTIN is entitled to the same timely access to public records that is
16 afforded to internet data brokers and members of the press who are not required to wait for over
17 three weeks for a response to such a simple inquiry that can be provided verbally in seconds.

18 FIRST CAUSE OF ACTION

19 Declaratory Relief

20 Violation of California Public Records Act - Govt. Code § 6250, et seq.

21 (Against All Defendants)

22 27. Petitioner incorporates the allegations of the preceding paragraphs 1 through 26 as
23 though fully set forth herein.

24 28. Petitioner is a member of the public and is personally interested in the outcome of
25 these proceedings with a clear, present and substantial right to the relief sought herein. Petitioner
26 has no plain, speedy and adequate remedy at law other than that sought herein.

27 29. A member of the public who believes that public records are being improperly
28 withheld may bring suit for mandate to enforce the PRA. (See Govt. Code §§ 6258, 6259(a).) If

1 the Court finds that the public official's decision to refuse disclosure is not justified, the court
2 shall order the public official to make the records public under Government Code § 6259(b.)

3 30. It was, and is, Respondents' duty to disclose public records and to provide a
4 *timely* response to the request of public records pursuant to Gov. Code § 6253.

5 31. In order to facilitate prompt public access to public records, court orders either
6 directing disclosure of public records or supporting an agency's decision of nondisclosure are
7 immediately reviewable by an appellate court by way of an emergency petition seeking issuance
8 of an extraordinary writ. (Cal. Gov't Code § 6259(c))

9 32. Respondents' failure to provide a proper response to Petitioner's Public Records
10 Act Request violates the California Public Records Act, which provides: "public records are
11 open to inspection at all times during the office hours of the state or local agency and every
12 person has a right to inspect any public record." (Govt. Code 17 § 6253(a).)

13 33. An actual controversy has arisen and now exists between Plaintiff and Defendants
14 concerning their respective rights and duties in that Plaintiff contends Defendants have violated
15 the CPRA, whereas Defendants dispute these contentions and contend that they are not required
16 to provide the requested information.

17 34. A judicial declaration is necessary and appropriate at this time under the
18 circumstances in order that Plaintiff may ascertain his rights and duties.

19 **SECOND CAUSE OF ACTION**

20 **Writ of Mandate**

21 **(Against All Respondents)**

22 35. Petitioner incorporates the allegations of the preceding paragraphs 1 through 34 as
23 though fully set forth herein.

24 36. Respondents have a clear, present and sacrosanct duty to comply with the
25 Constitution of the State of California. (Govt. Code § 6250, et seq.)

26 37. Petitioner has performed all conditions precedent to filing this petition.

27 38. Petitioner, and the general public, have been and continue to be harmed by
28

1 Respondents' improper refusal to comply with the CPRA and to produce, and respond in full, to
2 requests pursuant to the CPRA.

3 40. The issuance of a writ of mandate pursuant to Gov. Code §§ 6528 and 6259 is
4 indispensable to the enforcement of Petitioner's, and the public's, rights in these matters.

5 41. Petitioner has no plain, speedy, and/or adequate remedy in the ordinary course of
6 law with respect to this matter. As such, he is entitled to issuance of a writ. Gov. Code § 6528
7 requires expedited handling of CPRA writ petitions.

8 42. Petitioner has no administrative remedies to exhaust under Government Code
9 § 6250, et seq.

10 43. Petitioner is entitled to recover its attorney's fees in this matter pursuant to Gov.
11 Code § 6529(d) upon the successful prosecution of this action. Petitioner is also entitled to full
12 and complete compliance by Respondents to the subject requests addressed hereinabove.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Petitioner and Plaintiff prays for judgment by this Court as follows:

15 1. For the issuance of a peremptory Writ of Mandate directing Respondents to
16 comply with the CPRA by making all requested documents available to Petitioner for inspection
17 within ten days of this Court's order for production;

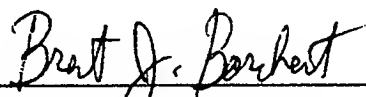
18 2. In the alternative, for the issuance of an order to Respondents to show cause why
19 the Court should not issue such a writ;

20 3. For a declaration pursuant to Govt. Code § 6259 signifying Defendants have
21 violated Plaintiff's rights under Government Code § 6250 et seq;

22 4. For attorneys' fees and costs of suit; and

23 5. For all other relief the Court deems proper.

24 Dated: June 3, 2016

25 
26 Brent J. Borchert, Esq.
27 Counsel for Petitioner and Plaintiff
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VERIFICATION

I, Ronald Austin, declare:

1. I am the Petitioner and Plaintiff in the above-entitled action.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE PURUSANT TO CALIFORNIA PUBLIC RECORDS ACT AND COMPLAINT FOR DECLARATORY RELIEF and know the contents thereof. The facts stated in the Petition and Complaint are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 3, 2016, in Boron, California.



Ronald Austin

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BRENT J. BORCHERT (SBN 223917) 15260 Ventura Blvd Suite 1420 Sherman Oaks, CA 91403 TELEPHONE NO.: (310) 991-8635 FAX NO.: (310) 773-9230 ATTORNEY FOR (Name): RONALD AUSTIN		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles JUN 06 2016 Sherri R. Carter, Executive Officer/Clerk By <u>Shaunya Bolden</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME:		
CASE NAME: Ronald Austin v. Los Angeles Police Department, et al.		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		CASE NUMBER: BS162685
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input checked="" type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **One**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 3, 2016

Brent J. Borchert

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

AUSTIN vs. LOS ANGELES POLICE DEPARTMENT, et al.

CASE NUMBER

BS162685

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☐ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

AUSTIN vs. LOS ANGELES POLICE DEPARTMENT, et al.

CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

AUSTIN vs. LOS ANGELES POLICE DEPARTMENT, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

SHORT TITLE:

AUSTIN vs. LOS ANGELES POLICE DEPARTMENT, et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.			ADDRESS: 100 West 1st Street	
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input checked="" type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.				
CITY: LOS ANGELES	STATE: CA	ZIP CODE: 990012		

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: June 3, 2016


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

06/07/2016